

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL MIRAMONTES,

Plaintiff,

v.

OFFICER MEYERS,

Defendant.

Case No. 1:23-cv-00204-ADA-HBK (PC)

ORDER REFERRING CASE TO EARLY
ADR AND STAY OF CASE

DEADLINE TO OPT OUT DUE BY:

OCTOBER 9, 2023

Plaintiff Paul Miramontes is a state prisoner proceeding pro se on his Complaint brought pursuant to 42 U.S.C. § 1983. (Doc. No. 1-1 at 1). As set forth in the Court's July 6, 2023 Screening Order, Plaintiff's Complaint stated a cognizable Eighth Amendment failure to protect claim against Defendant Officer Meyers. (Doc. No. 10).

The Court refers all civil rights cases filed by pro se individuals to early Alternative Dispute Resolution (ADR) to try to resolve such cases more expeditiously and less expensively. *See also* Local Rule 270. In appropriate cases, defense counsel from the California Attorney General's Office have agreed to participate in early ADR. No claims, defenses, or objections are waived by the parties' participation.

1 Attempting to resolve this matter early through settlement now would save the parties the
2 time and expense of engaging in lengthy and costly discovery and preparing substantive
3 dispositive motions. The Court therefore will STAY this action for 60 DAYS to allow the parties
4 an opportunity to investigate Plaintiff's claims, meet and confer, and engage in settlement
5 discussions, or agree to participate in an early settlement conference conducted by a magistrate
6 judge. The Court presumes that all post-screening civil rights cases assigned to the undersigned
7 will proceed to a settlement conference at some point. If after investigating Plaintiff's claims and
8 meeting and conferring, either party finds that a settlement conference would be a waste of
9 resources, the party may opt out of the early settlement conference.

10 Accordingly, it is **ORDERED**:

11 1. This action will remain **STAYED until further order** to allow the parties an
12 opportunity to settle their dispute. The parties may not file other pleadings or motions during the
13 stay period. Further, the parties shall not engage in formal discovery until the Court issues a
14 Scheduling and Discovery Order.

15 2. **Within 60 days** from the date on this Order, or no later than October 9, 2023, the
16 parties shall file a notice if they object to proceeding to an early settlement conference or if they
17 believe that settlement is not currently achievable.

18 3. If neither party has opted out of settlement by the expiration of the objection
19 period, the Court will assign this matter by separate Order to a United States Magistrate Judge,
20 other than the undersigned, for conducting the settlement conference.

21 4. If the parties reach a settlement prior to the settlement conference, they SHALL
22 file a Notice of Settlement as required by Local Rule 160.

23
24 Dated: August 8, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE